

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 12TH DAY OF MAY 2020 / 22ND VAISAKHA, 1942

BA NO.2475 OF 2020

(FIR NO.62/2020 OF POOCHAKKAL POLICE STATION, ALAPUZHA,  
ADDL.DISTRICT & SESSIONS COURT-I, (POCSO), ALAPUZHA)

PETITIONER/APPLICANT/ACCUSED:-

KRISHNANKUTTI PILLA,  
AGED 70 YEARS S/O KRISHNA PILLA,  
SREENIVAS VEEDU (KRISHNA NIVAS) ,  
THRICHATTUKULAM PO,  
WARD NO.4/PANAVALLY PANCHAYATH, ALAPUZHA.

BY ADVS.SRI. C.R.JAYAKUMAR, B.SIBI,  
NOBEL RAJU & RAJ CAROLIN

RESPONDENTS/ COMPLAINANT

1.THE STATE OF KERALA, REPRESENTED BY THE PUBLIC  
PROSECUTOR, HIGH COURT OF KERALA- 682031.

2.THE SHO, POOCHAKKAL POLICE STATION, ALAPUZHA - 688 526.

BY P.P. SRI.AJITH MURALI & SANTHOSH PETER (SR)

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 12.05.2020,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J**

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B.A.No.2475 of 2020  
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Dated this the 12<sup>th</sup> day of May, 2020

**O R D E R**

This Bail Application filed under Section 439 of Criminal Procedure Code was heard through Video Conference.

2. Petitioner is the accused in Crime No. 62 of 2020 of Poochakkal Police Station, Alappuzha. The above case is registered against the petitioner, alleging offences punishable under Sections 342, 376, 376(2)(n) of Indian Penal Code, Section 4 read with Section 3(a) and 6 read with Section 5(1) and (m) of Protection of Children from Sexual Offences Act.

3.The prosecution case is that on 06.02.2020, the petitioner sexually abused 11 year old daughter of the first informant.

4. The counsel for the petitioner submitted that the

petitioner was arrested on 10.02.2020 and he is in custody for the last 92 days. The counsel for the petitioner also submitted that, the petitioner is entitled statutory bail.

5. The learned Public Prosecutor conceded that, the petitioner is in custody for the last 92 days and even now, the prosecution is not able to submit the final report. The learned Public Prosecutor submitted that, stringent conditions may be imposed while granting bail.

6. Considering the facts and circumstances of the case, I think this Bail Application can be allowed. The petitioner is in custody for the last 92 days and the final report is not submitted by the Investigating Officer. In such circumstances, the petitioner is entitled statutory bail under Section 167 Cr.P.C.

9. Considering the facts and circumstances of this case, this Bail Application is allowed with the following directions:

1. The Superintendent of Jail concerned where the petitioner is incarcerated is directed to release the petitioner on bail on executing a self bond ensuring that he will appear before the Court concerned as and when required, if he is not in detention in any other case. It is further directed that the Superintendent of Jail should get the bail bond from the petitioner as stipulated in Section 441 Cr.P.C.

2. The Superintendent of Jail concerned shall also get the phone number and the address at which the petitioner would be residing after his/their release.

3. The Superintendent of Jail concerned, immediately after release of

the petitioner will forthwith forward the bail bond obtained from the petitioner to the jurisdictional Court.

4. The petitioner immediately after release from the prison, report before the Station House Officer of the Jurisdictional Police Station and shall furnish his phone number and the place where he is going to reside. The Station House Officer concerned shall keep a vigil on the whereabouts of the petitioner and shall ensure that the petitioner do not violate the terms of the undertaking.

5. The petitioner shall appear before the Investigating Officer as and when required. The petitioner shall co-operate with the investigation and shall not

threaten or attempt to influence the witnesses or tamper with the evidence.

6. The petitioner shall within one week from the commencement of the functioning of the jurisdictional court, if the court is not functioning at present, execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

7. The petitioner shall strictly abide by the various guidelines issued by the State Government and Central Government with respect to keeping of social distancing and other directions in the wake of declared lock-down.

8. If any of the above conditions are violated by the petitioner, the

jurisdictional Court can cancel the bail in accordance with law, even though the bail is granted by this Court.

**P.V.KUNHIKRISHNAN, JUDGE**

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